

U.S. Patent Application Serial No. 09/924,476
Response to Office Action dated May 28, 2004

REMARKS

Claims 1-6 are pending in this application, of which claim 1 has been amended. No new claims have been added.

The Examiner has objected to the amendment filed February 24, 2004 under 35 USC §132 for introducing new matter into the disclosure. The alleged new matter is the change of "Examples 1-1 to 1-6" to "Examples 1-4 to 1-6" in the paragraph on page 20, line 9 of the specification. This paragraph indicates, among other things, that phosphorous is contained in the chemical conversion film formed by using the treatment solution of various examples shown in Table 1 on page 21. Only examples 1-4, 1-5 and 1-6 in Table 1 show the presence of phosphoric acid. Examples 1-1, 1-2 and 1-3 do not show any presence of phosphoric acid. Thus, the objection should be withdrawn to the amendment because the correction is clearly typographical and does not introduce new matter.

The Examiner has maintained from the previous Office Action the 35 USC §102(b) rejection of claims 1-6 as anticipated by Nichiuchi et al. (JP '216) and the 35 USC §103(a) rejection of claims 1-6 as being unpatentable over JP '216.

Applicants respectfully traverse this rejection.

Applicants have previously argued that Nichiuchi et al. teaches that an aluminum film is required between the surface of the magnet and the chemical conversion coating, while no aluminum film is necessary in the present invention. The Examiner has stated:

U.S. Patent Application Serial No. 09/924,476
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Although applicant argues that the aluminum is "necessary" for the formation of the chemical conversion coating, the presence or absence of aluminum is not relevant because aluminum in some form is not precluded from the claim language, as presently drafted. The teachings of JP '216 (paragraph [0030]) state that there is a conversion coating (i.e. a coating resulting from a reaction between the coating substance and the substrate magnet) on the surface of the magnet. It is further noted that the applicant is claiming a conversion coating (i.e. a product), and is not claiming the process. Therefore, the process to achieve the product is not a limitation in the claim. The test wherein there is no aluminum does not distinguish the claimed invention.

Accordingly, claim 1 has been amended to recite that the chemical conversion film is provided directly on the surface of the permanent magnet and that there is no aluminum film provided between the surface of the magnet and the chemical conversion film.

Thus, the 35 USC §102(b) rejection and the 35 USC §103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-6, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 09/924,476
Response to Office Action dated May 28, 2004

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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